

REMARKS

Claims 1-37 are pending in this application. Claims 5, 12-17, and 22-31 are withdrawn from consideration. Claims 26-31 have been canceled. Claims 1-4, 6-11, 18-21, and 32-37 have been examined. Claims 1, 2, 4, 6-9, 18-21, 32, and 34-37 stand rejected. Claims 3, 10, 11 and 33 are objected to for being dependent upon a rejected base claim. Claim 1 has been amended. Reconsideration and allowance of Claims 1-4, 6-11, 18-21, and 32-37 is respectfully requested.

Interview Summary

Applicant and applicant's attorney thank the Examiner for granting an interview on January 30, 2006, and for her helpful comments and suggestions during the interview. The participants in the interview were Examiner Lori A. Clow, Supervisory Examiner Ardin Marschel, the applicant and inventor Dr. Erik Gunther (in person), and applicant's attorney Tineka Quinton (by telephone).

Applicant proposed an amendment to Claim 1, which would include at step (c), the following: "at least one analyte of previously uncharacterized specific therapeutic activity." It was agreed that neither the Daniel reference (U.S. Patent No. 6,368,794) nor the Marton reference (Marton et al., *Nature Medicine*, Vol. 4, No. 11, pages 1293-1301 (1998)) teach a method of identifying unknown therapeutic drugs. Independent Claim 32 was also discussed with respect to the limitation "uncharacterized specific pharmacological activity with respect to the drug treatment." It was agreed that neither Daniel nor Marton teach drug applications of unknown activity.

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The Rejection of Claims 1, 2, 4, 6-9, 18-21, 32 and 34-37 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 6,368,794 (Daniel et al.) in view of Marton et al., Nature Medicine 4(11):1293-1301 (1998)

Claims 1, 2, 4, 6-9, 18-21, 32, and 34-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,368,794 (Daniel et al.) in view of Marton et al., *Nature Medicine* 4(11):1293-1301 (1998). Independent Claim 1, from which Claims 2, 4, 6-9 and 18-21 depend, has been amended to clarify the scope of the invention and recites as amended "at least one analyte of previously uncharacterized specific therapeutic activity." Support for this amendment is found in the specification at page 14, lines 19-30, and page 15, lines 12-18. As acknowledged by the Examiner during the interview on January 30, 2006, neither the Daniel reference nor the Marton reference teaches a method of identifying unknown therapeutic drugs. See Examiner Clow's Interview Summary, mailed February 1, 2006. With respect to Claim 32, from which Claims 34-37 depend, as acknowledged by the Examiner during the interview on January 30, 2006, neither the Daniel reference nor the Marton reference teaches drug applications of unknown activity. See Examiner Clow's Interview Summary, mailed February 1, 2006.

Therefore, the cited references either individually or in combination fail to disclose or suggest all the elements of the invention of Claim 1, as amended, or Claim 32. Applicant respectfully requests removal of this ground of rejection.

Examination of Non-Elected Species

In the election requirement mailed September 22, 2003, Claims 1-4, 6-8, and 18-21 were found to be generic. The species "polynucleic acid microarrays" was elected for initial examination. Applicant respectfully submits that the pending claims are allowable with respect to polynucleic acid microarrays, and requests rejoinder of claims that have been withdrawn.

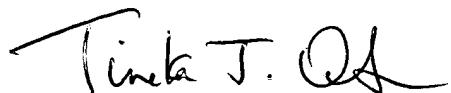
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Conclusion

In view of the foregoing amendment and remarks, the application is believed to be in condition for allowance. If any issues remain that can be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1655.

Respectfully submitted,

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